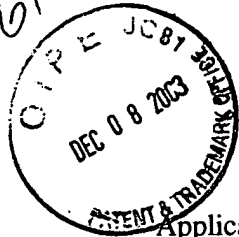


RECEIVED 12-09-03

DEC 10 2003

Attorney Dkt.: PIT-010
(Formerly: 2710-4007US1)



TECH CENTER 1600/2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael B. CHANCELLOR et al.
U.S. Serial No.: 09/302,896
Filing Date: April 30, 1999
Art Unit: 1636
Examiner: Sumesh Kaushal, Ph.D.
For: Muscle-Derived Cells (MDCs) for Treating Muscle- or Bone-Related Injury or Dysfunction (As Amended)
MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING

Date of Deposit: **December 8, 2003**

I hereby certify that the documents listed below are being deposited with the United States Patent and Trademark Office as Express Mail bearing Express Mail Label No. **EV 324102475 US** in an envelope with prepaid postage under 37 C.F.R. §1.10 on the date indicated above and addressed to MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

- 1) Amendment in response to the July 9, 2003 Final Office Action (24 pages);
- 2) Exhibits 1-3 (3 pages Exh. 1; 7 pages Exh. 2; 6 pages Exh. 3) accompanying the Amendment;
- 3) Declaration of Michael B. Chancellor (6 pages) and attached Appendix 1 (11 pages, Tab 1); Appendix 2 (15 pages, Tab 2); and FDA Guide (15 pages, Tab 3);
- 4) Fee Transmittal Form (1 page), (Fee(s) Charged to Deposit Acct.);
- 5) Petition for 2 month Extension of Time (1 page);
- 6) Certificate of Express Mailing (1 page); and
- 7) Return Postcard

Signature: Leslie Serunian
Printed Name: Leslie Serunian

Respectfully submitted,
HALE AND DORR LLP

Correspondence Address:
Hale and Dorr LLP
300 Park Avenue
New York, New York 10022
(212) 937-7315-Phone
(212) 937-7300-Facsimile

Leslie Serunian
Leslie Serunian
Reg. No.: 35,353

DEC 10 2003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**(\$)**210.00****Complete if Known**

Applicant Number	09/302,896
Filing Date	04/30/1999
First Named Inventor	Michael B. CHANCELLOR
Examiner Name	Sumesh Kaushal, Ph.D.
Art Unit	1636
Attorney Docket No.	PIT-010

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

08-0219

Hale and Dorr LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
48	-20** =		
4	-3** =		
Multiple Dependent	0		0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		

**or number previously paid, if greater, For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	210.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**210.00****SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Leslie Serunian	Registration No. (Attorney/Agent)	35,353	Telephone	(212) 937-7315
Signature	<i>Leslie Serunian</i>	Date	12/08/2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.